

## **AMENDMENTS TO THE CLAIMS**

Please amend the pending claims as follows:

1-4. (Canceled)

5. (Currently amended) A ~~transgenic~~ glyphosate tolerant corn plant comprising DNA encoding a CRY3Bb1 protein and a CP4 EPSPS protein, said plant comprising SEQ ID NO:1 and SEQ ID NO:2.

6-8. (Canceled)

9. (Previously presented) A hybrid corn seed wherein at least one parent comprises corn event MON88017.

10. (Previously presented) A seed of a corn plant comprising event MON88017, a representative sample of seed comprising said event having been deposited under ATCC Accession No. PTA-5582.

11. (Previously presented) A corn plant comprising event MON88017 or parts thereof produced by growing the seed of claim 10.

12. (Previously presented) Pollen, ovule, seed, roots, or leaves of the corn plant of claim 11.

13. (Canceled)

14. (Previously presented) The corn plant of claim 5 comprising SEQ ID NO:3 and SEQ ID NO:4.

15-23. (Canceled)

24. (Previously presented) A biological sample selected from the group consisting of corn oil, corn meal, corn flour, corn gluten, corn cakes, and corn starch, comprising a sufficient level of a nucleotide selected from the group consisting of SEQ ID NO:1 and

SEQ ID NO:2, wherein the detection of said nucleotide in said sample is diagnostic for the presence of corn event MON88017 in said sample.

25. (Previously presented) A corn plant, seed, or parts thereof, comprising corn event MON88017.
26. (Currently amended) A composition derived from the corn plant, or parts thereof, of claim 25, said composition comprising corn event MON88017, wherein said composition is a commodity product selected from the group consisting of corn meal, corn flour, corn oil, corn silk, corn starch, and processed foodstuffs.
27. (Previously presented) A method of producing an insect and glyphosate resistant corn plant, comprising:
  - (a) sexually crossing a first parent corn plant according to claim 25 and a second parent corn plant that lacks insect and glyphosate resistance, thereby producing a plurality of progeny plants; and
  - (b) selecting a progeny plant that is insect and glyphosate resistant by analyzing for the presence of at least one nucleotide sequence of SEQ ID NO:1 and SEQ ID NO:2.
28. (Previously presented) The method of claim 27, wherein said selecting step (b) comprises
  - (i) subjecting the progeny plant to a nucleic acid amplification reaction, wherein progeny plant that produces an amplicon comprising at least one nucleotide sequence of SEQ ID NO:1 and SEQ ID NO:2 is selected; or
  - (ii) subjecting the progeny plant to a nucleic acid hybridization reaction, wherein progeny plant hybridizing to a probe that hybridizes under stringent conditions with one or more DNA sequence selected from SEQ ID NO:1 and SEQ ID NO:2 is selected.
29. (Previously presented) The method of claim 27, further comprising backcrossing the progeny plant that is insect and glyphosate resistant to the second parent corn plant, thereby producing a plant that is insect and glyphosate resistant.

30. (Previously presented) A method for protecting a corn plant from insect infestation, comprising providing in the diet of a Coleopteran pest of corn an insecticidally effective amount of cell(s) or tissue(s) of the corn plant, or parts thereof, of claim 25.
31. (Previously presented) The method of claim 30, wherein said Coleopteran pest is corn rootworm.
32. (Previously presented) A method for controlling weeds in a field of corn plants according to claim 25, comprising applying an effective amount of a glyphosate containing herbicide to said field of corn plants.
33. (Previously presented) The method of claim 32, wherein
  - (i) said glyphosate containing herbicide is sprayed in said field, and
  - (ii) said amount does not damage said corn plants.
34. (Previously presented) The corn plant of claim 5 comprising SEQ ID NO:3.
35. (Previously presented) The corn plant of claim 5 comprising SEQ ID NO:4.
36. (Previously presented) A seed that produces the corn plant of claim 5.